United States District Court Southern District of Texas

ENTERED

March 04, 2021 Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	
	§	
4.862 ACRES OF LAND, more or less, in	§	
STARR COUNTY, TEXAS;	§	CIVIL ACTION NO. 7:20-cv-00439
JACQUELINE RUTH BAZAN;	8	
KENNEDY FELIX SALINAS;	8	
KATHERINE RUTH SALINAS; ESTELA	§	
Q. SALINAS; RUBEN SALINAS, JR.; and	§	
NORABEL SALINAS,	§	
·	§	
Defendants.	§	
	_	

ORDER

The Court now considers "Plaintiff's Opposed Motion for a Continuance of the Joint Discovery/Case Management Plan and the Initial Pretrial and Scheduling Conference Pursuant to Fed. R. Civ. P. 26(f)." The United States was not able to confer with two Defendants, so they are deemed opposed to this motion. However, because the parties initial pretrial conference that the motion seeks to continue is scheduled before the motion is submitted to the Court under Local Rule 7.3, the Court considers the motion now.

Plaintiff United States requests a continuance for at least 30 days of the March 16, 2021 initial pretrial and scheduling conference in light of President Biden's proclamation concerning the border wall.³ The President's proclamation directs numerous heads of executive agencies to "pause work on each construction project on the southern border wall" and to "develop a plan for

¹ Dkt. No. 22.

² *Id.* at 3.

 $^{^{3}}$ Id. at 2–3, ¶¶ 2–3.

the redirection of funds concerning the southern border wall . . . within 60 days" from January 20th.4 "The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket." The Court finds good cause in the United States' request that this eminent domain proceeding be abated while the United States develops its plan concerning the border and associated land use. The Court accordingly GRANTS Plaintiff's motion⁶ and continues the initial pretrial and scheduling conference previously set for March 16th to April 13, 2021, at 9:00 a.m. The remainder of the Court's Order for Conference and Disclosure of Interested Parties remains intact.⁷

IT IS SO ORDERED.

DONE at McAllen, Texas, this 4th day of March 2021.

United States District Judge

⁴ Proclamation No. 10142, §§ 1–2, 86 Fed. Reg. 7,225, 2021 WL 197402 (Jan. 20, 2021). ⁵ *Clinton v. Jones*, 520 U.S. 681, 706 (1997).

⁶ Dkt. No. 22.

⁷ Dkt. No. 2.